

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

MICHAEL JAMES SIEMER,

Plaintiff,

v.

OFFICER ZECHARIAH PRESLEY,

Defendant.

CIVIL ACTION NO.: 2:18-cv-97

ORDER

This matter is before the Court on Defendant's Motion to Dismiss or, in the Alternative, Motion to Compel. Doc. 29. A motion to dismiss is dispositive in nature, meaning granting a motion to dismiss could result in the dismissal of individual claims or an entire action. Consequently, the Court is reluctant to rule on the Motion to Dismiss without providing Plaintiff an opportunity to respond or advising Plaintiff of the consequences for failing to respond.

Accordingly, the Court **ORDERS** Plaintiff to file a response either opposing or indicating his lack of opposition to Defendant's Motion to Dismiss within **14 days** of the date of this Order. **If Plaintiff fails to file a timely response, the Court will presume Plaintiff does not oppose the Motion and may dismiss individual claims or the entire action.** See Local R. 7.5 ("Failure to respond . . . shall indicate that there is no opposition to a motion."). To ensure Plaintiff's response is made with fair notice of the requirements of the Federal Rules of Civil Procedure regarding motions to dismiss generally, the Court **DIRECTS** the Clerk of Court to provide a copy of Federal Rules of Civil Procedure 12 and 41 when serving this Order upon Plaintiff.

In the alternative, Defendant moves to compel Plaintiff to participate in the discovery process. Plaintiff is **ORDERED** to respond to Defendant's alternative Motion within 14 days. Plaintiff's failure to do so will also result in the dismissal of his cause of action.

SO ORDERED, this 16th day of March, 2021.



BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA